

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

<b>DENNIS ALLEN, et al.</b>	:	Case No. C-1-01-159
<b>Plaintiffs</b>	:	Judge Herman S. Weber
<b>v.</b>	:	Magistrate Judge Timothy S. Hogan
<b>JOHN CRARY, et al.</b>	:	
<b>Defendant/ Third-Party Plaintiff</b>	:	<b>NOTICE OF FILING SIGNATURE PAGES AND CERTIFICATION IN LIEU OF SIGNATURE PAGES FOR FILED DEPOSITIONS</b>
<b>v.</b>	:	
<b>POLLY JONES, et al.</b>	:	
<b>Third-Party Defendants</b>	:	

\* \* \* \* \*

Plaintiffs, Dennis Allen, et al. ("Plaintiffs"), submit this Notice that they are filing herein the following signature pages and certifications in lieu of signature pages for depositions taken in this matter:

1. Mary Jane Cracraft (signature page);
2. Shirley Monroe, August 27, 2003 (signature page);
3. Lelan Littrell (signature page);
4. Lloyd Nolan (signature page);
5. Leonard Kristal, January 31, 2002 and July 26, 2002 (letters from court reporter on failure of witness to review and sign deposition);
6. Michael Pekar (letter from court reporter on failure of witness to review and sign deposition);
7. Shirley Monroe, April 24, 2002 (certification from court reporter in lieu of signature page);
8. Dennis Allen (affidavit from court reporter on failure of witness to review and sign deposition);
9. Michael Lindemuth (affidavit from court reporter on failure of witness to review and sign deposition);
10. Robert G. Bernet (affidavit from court reporter on failure of witness to review and sign deposition).

The deposition transcripts for each of the foregoing witnesses were filed on November 10, 2003.

Respectfully submitted,

s/ Stephen A. Simon

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David M. Cook (0023469)  
Stephen A. Simon (0068268)  
DAVID M. COOK, LLC  
22 West Ninth Street  
Cincinnati, Ohio 45202  
Phone: (513) 721-7500  
Fax: (513) 721-1178  
Trial Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served this 9<sup>th</sup> day of December, 2003, via U.S. regular mail, postage prepaid, upon the following:

Leonard Kristal  
107 Diablo Drive  
Kentfield, California 94904

Stephen R. Felson  
617 Vine Street  
Suite 1401  
Cincinnati, Ohio 45202  
Trial Attorney For Defendant Crary

Paul D. Marotta  
Christopher D. Denny  
Jennifer Chen  
The Corporate Law Group  
500 Airport Blvd., Suite 120  
Burlingame, CA 94010  
Of Counsel for Defendant Crary

s/ Stephen A. Simon

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ATTORNEY FOR PLAINTIFFS

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1 MR. MAROTTA: I have no further questions.

2 MR. RICKY: Okay.

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5 Mary J Cracraft  
6 MARY CRACRAFT

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10 (Deposition concluded at 1:34 p.m.)

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1 responsible for the difficulties.

2 Q. Lenn Kristal didn't seem to need help  
3 causing problems?

4 A. Correct.

5 MR. MAROTTA: I have no more questions.

6 MR. SIMON: Let's go off the record.

7 (Recess taken: 3:58 p.m. to 4:05 p.m.)

8 MR. SIMON: We are adjourned.

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Shirley Monroe  
SHIRLEY MONROE

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(Deposition concluded at 4:05 p.m.)

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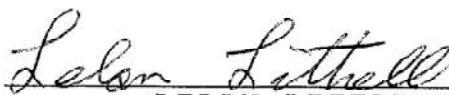
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44

1 MR. RICKY: Okay.  
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4   
5 LELAN LITTRELL  
6  
7 - - -  
8 (Deposition concluded at 10:58 a.m.)  
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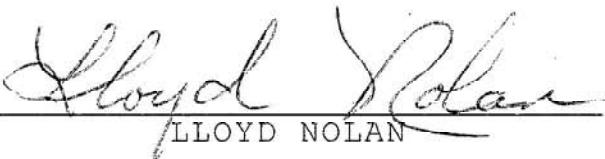
66

1 that weren't paid over to the health insurance  
2 carrier?

3 A. No.

4 MR. MAROTTA: I am done.

5 MR. COOK: Thank you.

6  
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LLOYD NOLAN

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13 (Deposition concluded at 11:20 a.m.)

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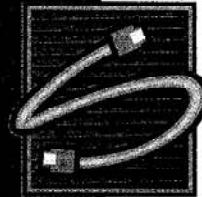
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**SARNOFF**  
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46 Corporate Park, Suite 100, Irvine, CA 92606

**phone** 877.955.3855   **fax** 877.230.0777

**www.attysweb.com**

May 3, 2002

David M. Cook, Esq.  
22 West Ninth Street  
Cincinnati, Ohio 45202

Dear Mr. Cook:

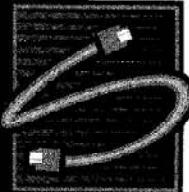
Pursuant to the Code of Civil Procedure 2025(q)(1) with respect to the handling of the original transcript, please find enclosed the sealed, unsigned original deposition transcript from the below-captioned matter. The witness failed to respond to our letter dated February 14, 2002.

Case Name: Dennis Allen vs. The Lassen Companies  
Case No.: C-1-01-159  
Witness: Leonard D. Kristal  
Reporter: Denise Bardsley  
Job No.: 6494B

If you have any questions regarding this matter, please contact me at 877.955.3855.

Sincerely,

  
Renee Jones  
Sarnoff Court Reporters



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Legal Technologies*

46 Corporate Park, Suite 100, Irvine, CA 92606

**phone** 877.955.3855   **fax** 877.230.0777

**www.attysweb.com**

September 17, 2002

David M. Cook, Esq.  
DAVID M. COOK, LLC  
22 West Ninth Street  
Cincinnati, Ohio 45202

Dear Mr. Cook:

Pursuant to the Code of Civil Procedure 2025(q)(1) with respect to the handling of the original transcript, please find enclosed the sealed, unsigned original deposition transcript from the below-captioned matter. The witness failed to respond to our letter dated August 13, 2002.

Case Name: Dennis Allen vs. The Lassen Companies, Inc.  
Case No.: C-1-01-159  
Witness: Leonard Kristal  
Reporter: Denise Bardsley  
Job No.: 9373

If you have any questions regarding this matter, please contact me at 877.955.3855.

Sincerely,

A handwritten signature in black ink, appearing to read 'Renee Jones'.

Renee Jones  
Sarnoff Court Reporters

cc: Jennifer Chen, Esq.

**Atkinson-Baker**  
COURT REPORTERS  
depo.com

November 24, 2003

Stephen R. Felson, Esq.  
Law Offices of Stephen R. Felson  
617 Vine Street, Suite 1401  
Cincinnati, OH 45202

RE: ALLEN, ET AL. VS. LASSEN COMPANIES, INC., ET AL.  
CASE NO.: C-1-01-159  
ABI FILE NO.: 9D0713C  
DEPOSITION OF: MICHAEL PEKAR,  
taken on September 11, 2003

Dear Mr. Felson:

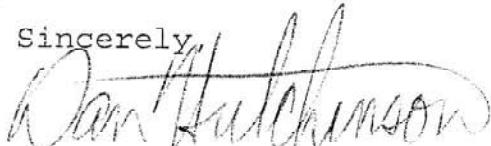
Enclosed please find the original transcript in the above-referenced deposition. It is in a sealed envelope.

The witness was notified with a copy on October 8, 2003, that the original transcript would be available at our office for reading and signature. The time period given the witness to respond has expired.

The original is being forwarded to you unsigned.

Thank you.

Sincerely,



Dan Hutchinson  
Glendale Office

Enclosure  
cc: R. Rickey  
file

**RIVERSIDE REPORTING**  
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**Phone and Fax: KY(859)291-6110 OH(513)574-7017**

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D-E-P-O-S-I-T-I-O-N

of

**SHIRLEY A. MONROE**

**CERTIFICATION IN LIEU OF SIGNATURE PAGE**

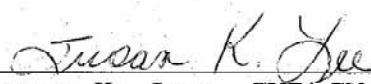
I, Susan K. Lee, CVR-CM, do hereby certify that on the 24th day of April, 2002 the deposition of SHIRLEY A. MONROE was taken by me, and that the requirement that the deposition be signed was not waived;

That on the 28th day of May, 2002 a letter requesting viewing of said deposition was submitted to the deponent;

That as of today's date, the 13th day of November, 2003, the deposition has not been signed, so as to be in compliance with Rule 30 (E).

Therefore, a substantial period of time having elapsed since the date of the initial request for viewing and signature of the deposition, and pursuant to the provisions of Rule 30 (E), Federal Rules of Civil Procedure, this certification is being filed with the court in lieu of signature of witness to the deposition.

Witness, my hand and seal on this, the 13th day of Noer, 2003.

  
\_\_\_\_\_  
Susan K. Lee, CVR-CM

AFFIDAVIT

STATE OF OHIO : SS  
COUNTY OF HAMILTON :

I, Lisa L. Weisenberger, Notary Public in and for the State of Ohio, do hereby state that the transcript of the deposition of DENNIS ALLEN, deponent herein, having been submitted to said deponent for review and signature, has not been signed within the thirty (30) day period allowed under the Federal Rules; said deposition to now have the same force and effect as though signed.

Lisa L. Weisenberger  
Lisa L. Weisenberger, Court Reporter

Sworn to before me this 16<sup>th</sup> day of October, 2003.

Thomas M. Blasing  
Thomas M. Blasing  
Notary Public - State of Ohio

My commission expires:  
May 4, 2004.

## AFFIDAVIT

— — —

STATE OF OHIO : SS  
COUNTY OF HAMILTON :

I, Wendy L. Welsh, Notary Public in and for the State of Ohio, do hereby state that the transcript of the deposition of MICHAEL ANDREW LINDEMUTH, deponent herein, having been submitted to said deponent for review and signature, has not been signed within the thirty (30) day period allowed under the Federal Rules; said deposition to now have the same force and effect as though signed.

Wendy L. Welsh  
Wendy L. Welsh, Court Reporter

Sworn to before me this 3<sup>rd</sup> day of November, 2003.

Thomas M. Tracy

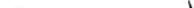
Thomas M. Blasing  
Notary Public - State of Ohio

My commission expires:  
May 4, 2004.

## AFFIDAVIT

STATE OF OHIO : SS  
COUNTY OF HAMILTON :

I, Wendy L. Welsh, Notary Public in and for the State of Ohio, do hereby state that the transcript of the deposition of ROBERT G. BERNET, JR., deponent herein, having been submitted to said deponent for review and signature, has not been signed within the thirty (30) day period allowed under the Federal Rules; said deposition to now have the same force and effect as though signed.

  
Wendy L. Welsh, Court Reporter

Sworn to before me this 3<sup>rd</sup> day of November, 2003.

Thomas M. Blasing  
Notary Public - State of Ohio

My commission expires:  
May 4, 2004.